# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/809,109 | 03/16/2001 | Kaoru Shimamura | 1046.1248 | 8921 |

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| STAAS & HALSEY LLP | |

| EXAMINER |
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| GARG, YOGESH C |

| ART UNIT | PAPER NUMBER |
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| 3625 | |

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DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *23 November 2005.*
2a)☒ This action is **FINAL.**    2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,2,5-9,11-13,16-20,23 and 24* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,2,5-9,11-13,16-20,23 and 24* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1.     Applicant's amendment received on 11/23/2005 is acknowledged and entered.

The applicant has amended claims 1, 7, 11, 12, 16, 20, 23, and 24 are currently

amended and claims 3, 4, 10, 14-15, 21-22 and 25-26 are canceled claims. Currently

claims 1-2, 5-9, 11-13, 16-20, and 23-24 are pending for examination.


### *Response to Arguments*

2.1.    Applicant's arguments (see page 9 of Remarks) with respect to rejection of

claims 7-10 and 16-19, under 35 USC 112, second paragraph have been fully

considered and are persuasive.  Therefore, the rejection of claims 7-10 and 16-19,

under 35 USC 112, second paragraph is withdrawn.

2.2.    Applicant's arguments (see pages 9-11) with respect to rejection of currently

amended claims 1, 7, 11, 12, 16, 20, 23, and 24   have been considered but are moot in

view of the new ground(s) of rejection necessitated due to amendments.


3.     Examiner cites particular columns and line numbers in the references as applied

to the claims below for the convenience of the applicant.  Although the specified

citations are representative of the teachings in the art and are applied to the specific

limitations within the individual claim, other passages and figures may apply as well.  It

is respectfully requested that, in preparing responses, the applicant fully consider the

references in entirety as potentially teaching all or part of the claimed invention, as well

as the context of the passage as taught by the prior art or disclosed by the examiner.

## Claim Rejections - 35 USC § 103

4      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 5-9, 11-13, 16-20, and 23-24 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Leville in view of Ying, in view of Gold and further in view of

Szabo et al. (US Patent 6,963,851), hereinafter referred as Szabo.

**Regarding claim 1,** Leville discloses a system for selling goods (a

merchandising system) through a computer network (Fig 1), where the goods are a

variety of elements which are different from each other and are sold one by one and

the system comprises a unit storage section host computer 10) storing a unit of the

variety of elements according to the number of elements and ranges to each of which

a unit is applied/a data storage section storing a set of the data (page 7 lines 1821), as

well as a detecting section(20) detecting the number of elements to be purchased on

the basis of information of one or more elements to be purchased which is received

from a purchaser(page 10, lines 8-9) and a reading section(10) reading at least one

unit corresponding to the elements to be purchased on the basis of the number of elements detected (page 8 lines 25-27) and a calculating section (20) calculating the purchase price by using the read at least one unit price and the number of elements calculated(page 10 lines 8-9).

Leville does not disclose a system wherein the "goods" denotes a variety of font sets, wherein the font set comprises of elements, element being a character. However, Ying, in the same field of endeavor, that is selling goods on line teaches selling goods denoting a variety of font sets, wherein the font set comprises of elements, element being a character (see at least col.2, line 13-col.3, line 40, col.10, line 14-col.16, line 61). In view of Ying, it would have been obvious to one of an ordinary skilled in the art to modify the system of Leville to incorporate the features of Ying of selling goods denoting a variety of font sets, wherein the font set comprises of elements, element being a character because it will enable the users to sell and purchase fonts online and allow the users to vary the size of his letters to pack text more densely, using a variety of fonts to visually distinguish different parts of the text, for aesthetic use, art decoration, etc., as explicitly suggested in Ying (see at least col.1, line 59-col.2, line 11 and col.2, line 59-col.3, line 5).

Leville discloses a calculating section (20) calculating the purchase price by using the read at least one unit price and the number of elements calculated (page 10 lines 8-9) but combined with Ying does not teach storing plurality of units for each font set, each unit being a price per element corresponding to a range of elements to which the font set is to be applied and fist calculating section calculating the number of

elements belonging to a range to which the read at least one unit is to be applied and

a second calculating section calculating the purchase price by using the read at least

one unit and the number of elements calculated. However, in the same filed of selling

and purchasing goods, Gold teaches storing plurality of units for elements, each unit

being a price per element corresponding to a range of elements to which the goods

being purchased is to be applied and fist calculating section calculating the number of

elements belonging to a range to which the read at least one unit is to be applied and

a second calculating section calculating the purchase price by using the read at least

one unit and the number of elements calculated (see at least Figs.1, 2, 3, 7, 9,

paragraphs 0010, 0033-0034, 0044-0046, 0053-0062 which describe that a pricing

can be generated via a graphical interface in real –time, applying different types of

stored business rules, such that conversion factors for different quantity breaks can be

used to calculate from stored units, where each unit represent a price per element,

that is if the purchase quantity increases the unit price per element falls to a lower

level and so on. Thus in order to calculate a final price first calculations are done to

determine the range in which the purchased quantity falls and after determining this a

second calculation is done using the corresponding unit price for that range to arrive at

the purchase price of the elements being purchased. In view of Gold, it would have

been obvious to one of an ordinary skilled in the art at the time of the applicant's

invention to have modified Leville/Ying to include the features of storing plurality of

units for elements, each unit being a price per element corresponding to a range of

elements to which the goods being purchased is to be applied and fist calculating

section calculating the number of elements belonging to a range to which the read at

least one unit is to be applied and a second calculating section calculating the

purchase price by using the read at least one unit and the number of elements

calculated. Doing so, as explicitly suggested in Gold (see at least paragraphs 0005-

0010) would allow the system in Leville/Ying to automate price management including

electronic publication of price tables with step down prices for higher quantities (see

Fig.7) as per the prescribed management policies to motivate buyers to purchase

large quantities of goods, that is elements of font sets.

Leville does not disclose a creating section creating a supply file including data

corresponding to information of the elements to be purchased by using the set of data

stored in the data storage section and including data purchased by the purchaser in

the past and a supplying section supplying the created supply file to the purchaser.

However, in the same field of online selling and buying, Szabo teaches a creating

section creating a supply file including data corresponding to information of the

elements to be purchased by using the set of data stored in the data storage section

and including data purchased by the purchaser in the past and a supplying section

supplying the created supply file to the purchaser (see at least col.6, lines 11-41

where in the purchaser's previous shopping lists are stored and made available to him

for his current shopping resulting in a new shopping list including data from the

previously purchased items and any changes due to his current requirements are sent

from the server to the client.). In view of Szabo, it would be obvious to one of an

ordinary skilled din the art at the time of the applicant's invention to have modified

Leville to include the features of a creating section creating a supply file including data

corresponding to information of the elements to be purchased by using the set of data

stored in the data storage section and including data purchased by the purchaser in

the past and a supplying section supplying the created supply file to the purchaser

because, as explicitly argued in Szabo, it would provide great tool and convenience to

the purchasers purchasing repetitive items in constructing shopping lists using the

previously purchased shopping lists as in many instances the previously stored

shopping list may be nearly complete and eliminating the need for the purchaser to

start from scratch.

**Regarding claim 2**, Leville/Ying/Gold/Szabo teaches a system

comprising a purchase record storage section (see Leville-10) storing the number

of elements purchased in the past(page 7 lines 2122)(purchasing history) and an

addition section(see Leville 10) reading the number of elements purchased in the

past from the purchase record storage section where the number of elements is

detected by the detecting section and adding the read number to the detected

number, wherein the reading section reads at least one unit applied to the element

to be purchased from the unit storage section by using a result of addition by the

addition section(see Leville, page 7 lines 12-25) the computer(see Leville -10)

analysis adds the elements purchased in the past to the elements to be purchased

to determine the price to be offered.

**Regarding claims 3 and 6**, Leville/Ying/Gold/Szabo discloses further

comprising a data storage section storing data sets and a creating section creating

a supply file including data corresponding to information of the elements to be

purchased by using the set of data stored in the storage section as well as a

supplying section supplying the created supply file to the purchaser and that the set

of data represents sentences divided every predetermined range, wherein the data

represents the range constructing sentences (see at least Ying col.2, line 21-col.3,

line 6 and col.30, line 30-col.31, line 4). In view of Ying, it would have been obvious

to one of an ordinary skilled in the art to modify the system of Leville to incorporate

the features of Ying of selling goods denoting a variety of font sets, wherein the font

set  comprises of elements, element being a character, section storing data sets

and a creating section creating a supply file including data corresponding to

information of the elements to be purchased by using the set of data stored in the

storage section as well as a supplying section supplying the created supply file to

the purchaser and that the set of data represents sentences divided every

predetermined range, wherein the data represents the range constructing

sentences  because it will enable the users to sell and purchase fonts online and

allow the users to vary the size of his letters to pack text more densely, using a

variety of fonts to visually distinguish different parts of the text, for aesthetic use, art

decoration, etc., as explicitly suggested in Ying (see at least col.1, line 59-col.2, line

11 and col.2, line 59-col.3, line 5).

**Regarding claim 4**, Leville/Ying/Gold/Szabo teaches a system wherein the receiving section(see Leville,10) receives a supply file further including information on past purchases by the purchaser.

**Regarding claim 5**, the limitation that the set of data is a font set data and that a piece of the data is font data as an element of the font set data is already covered in claim 1 analyzed above.

**Regarding claims 7-20 and 23-24**, their limitations are closely parallel to the limitations covered in claims 1-6 above except for the limitations of a transmitting section transmitting information of one or more elements to be purchased to a seller, a receiving section receiving a price of the element to be purchased which is calculated by using at least one unit of an element determined on the basis of the number of elements to be purchased and a range to which the unit is applied and a display controlling section for displaying the received prices. Leville discloses all these limitations: a transmitting section(17) transmitting information of one or more elements to be purchased to a seller and a receiving section(170 receiving a price of the element to be purchased which is calculated by using at least one unit of an element determined on the basis of the number of elements to be purchased and a range to which the unit is applied and a display controlling section(17) displaying the received price onto a display. Therefore, claims 7-20 and 23-24 are also rejected as being unpatentable over Leville/Ying/Gold/Szabo as analyzed as above.

## *Conclusion*

6.      Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action.  Accordingly, **THIS ACTION IS MADE FINAL**.  See MPEP

§ 706.07(a).  Applicant is reminded of the extension of time policy as set forth in 37
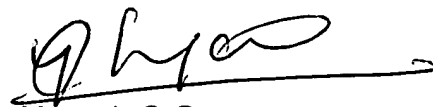
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-

6756.  The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wynn Coggins can be reached on 571-272-7159.  The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
2/18/2006